REMARKS

Initially, Applicant notes the withdrawal of the restriction requirement. Accordingly, all 16 claims are pending in this application.

Next, the Examiner has objected to the word "which" in claim 1. Changing the word "which" to "said" in line 1 of claim 1 appears to introduce a grammatical inexactitiude to the syntactical construction of the claim. Nevertheless, in order to comply with the Examiner's request, the phrase "which saddle has" has been rewritten to read "said saddle having". Thus, the objection is now believed moot.

With respect to the prior art rejections of the claims, the Examiner has rejected claims 1-3, 12, 14 and 16 as being anticipated by Taormino et al. U.S. Patent No. 6,019,422. Similarly, Claims 1-3, 12-14 and 16 are also rejected as being anticipated by Nord U.S. Patent No. 656,854 and, separately, by Rouw U.S. Patent No. 4,541,668. Claim 15 has been rejected as being obvious over each of these three references.

The Applicant respectfully disagrees. The rejection of claims 1-3, 12, 14 and 16 as being anticipated by Taormino et al is wholly untenable, having regard to the disclosure of Taormino. Further, the passage referred to by the Examiner (column 3, lines 23 to 27) gives absolutely no support for the position adopted by the Examiner.

In Taormino, the "*conventional bicycle saddle 13*" (see Figure 1) is supported by a pair of saddle rails 15 on a platform 17, which "*includes a forward pivot portion 21*" about the axis of which the platform 17 may pivot. The platform 17 is also supported on an elastomeric cylinder 25 whereby it may perform side-to-side rocking movement generally about the axis of pivot portion 21. That side-to-side rocking movement of platform 17 is permitted by the clamp arrangement for the platform, holding it down on the elastomeric cylinder 25, the clamp arrangement including an assembly of a cone 55, cap 57 and nut 39. The stiffness of the rocking movement may be adjusted by turning that nut 39.

The passage in column 3 to which the Examiner has referred merely confirms that the platform 17 may perform side-to-side rocking motion, unrestricted by the shape of the cone 55 and cap 57. The rocking motion however occurs generally about the axis of the front pivot 21. In fact, the axis of pivoting is not merely about the axis of the

forward pivot portion 21, but is a complex axis obtained by combining both the axis of the pivot portion 21 and permitted motion of the rearward pivot portion 23.

It is here worth mentioning that Figure 1 shows the overall saddle assembly in side view, Figure 2 is a perspective of part of Figure 1, from below and Figure 3 is described as an exploded view of Figure 2. Thus, the arrangement of Figure 3, to which the passage identified by the Examiner refers, shows exactly the same saddle as that of Figure 1. Now, if one projects the axis of pivoting of the front pivot 21 (ignoring the effect of the rearward pivot portion 23), it can be seen that this **does not** lie above the upper surface of the conventional bicycle saddle 13, and in particular not above the upper surface which supports the buttocks of a user. The complex axis cannot possibly lie above the buttock-supporting surface of the saddle. Further, it cannot be horizontal, nor even approximately so.

A simple consideration of the mechanical construction illustrated in Figure 1 shows that the axis of pivoting, wherever it might lie, cannot give rise to a lateral rocking motion for the saddle, centered on an axis above the upper surface of the conventional saddle. The entire mechanism is disposed below the conventional saddle and as no complex mechanism is provided (unlike the case with the present invention) it is totally impossible for Taormino to achieve a lateral rocking motion "*the effective axis of which is disposed above the upper surface of the seat portion*" as defined in claim 1 of the present application.

The Examiner appears to have incorrectly understood the disclosure of Taormino. Under no circumstances can Taormino be considered to anticipate the present invention.

Turning now to Nord, this too does not anticipate claim 1 of the present invention. Nord describes a saddle having two independent buttock-supporting upper surfaces "*a*", independently pivoted to a frame in each case about an axis identified as "*g*" in Figure 1. Ignoring the fact that neither buttock-supporting portion "*a*" is performing a "*lateral rocking motion*" but rather a generally vertical resilient pivoting motion (see Figure 1 of Nord), it is quite clear that each axis "*g*" is below each buttock-supporting surface "*a*". Thus, again, the Examiner appears to have misunderstood the

disclosure of Nord, as compared to the claims (and claim 1 in particular) of the present invention.

Turning to Rouw, the Examiner appears to have yet again misconstrued the cited art. Rouw shows two quite independent buttock-supporting elements which are pivoted about a transverse horizontal axis, for vertical pivoting movement. There is absolutely no lateral rocking motion whatsoever. Even if there were, it is quite clear from the drawings that the axes are all below the upper surface of the buttock-supporting elements.

With respect to the obviousness rejection under 35 USC §103(a) of claim 15 in view of Taormino, Nord and Rouw. This rejection cannot be sustained for the reasons set forth and relief upon above. As the analysis of Taormino, Nord and Rouw as provided by the Examiner is fundamentally flawed, the rejection of claim 15 cannot be sustained by the actual disclosures of those specifications.

Furthermore, as claim 15 is dependent on a claim which is believed allowable over the cited references, claim 15 is allowable in itself, without the need further to consider the 35 USC §103(a) rejection.

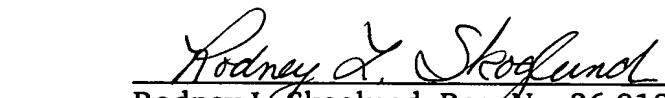
The stance adopted by the Examiner, to the effect that Taormino, Nord and Rouw anticipate the claimed invention cannot be sustained by the disclosures of those three prior US specifications. A simple mechanical analysis of the disclosures shows that in each case, none of the cited references suggests a mounting arrangement which "*permits the seat portion to perform a lateral rocking motion the effective axis of which is disposed above the upper surface of the seat portion*". To the extent the Examiner may argue (has he has previously with respect to the earlier cited prior art) that the seat can be turned upside down, the Applicant again notes that the mounting arrangement for the seat must *below* the seat portion. Therefore, there is no way for any of the cited references to meet the claim limitations of the present application.

In light of the foregoing, the Applicant respectfully request the Examiner to reconsider the application and withdraw his rejections to the claims. A Notice of Allowance is earnestly solicited for claims 1-16. Should the Examiner still believe there is prior art which anticipates the present invention, the undersigned attorney requests that the Examiner contact the undersigned attorney via telephone *prior to or in*

conjunction with the mailing a new office action so that the Examiner's observations can be more particularly understood. Of course, should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

A two-month extension of time under 37 CFR 1.136 and the appropriate fee accompanies this response.

Respectfully submitted,



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Dated: June 11, 2004